

**Notice of Allowability**

Application No.

10/756,929

Applicant(s)

MEYER, DONALD W.

Examiner

Allana Lewin

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to claims filed 1/14/2004.
2. ☒ The allowed claim(s) is/are 1-5 and 7-10.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 9/13/2006.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Matthew Newboles on September 13<sup>th</sup>, 2006. The application has been amended as follows:

1. (Currently Amended) A device for supporting and bracing the thoraco-lumbar region of an individual's spine when said device is worn by said individual, said device comprising:

a. first and second elongate bracing rods having upper and lower ends and disposed in generally parallel relation to one another, said first and second bracing rods being positionable on opposed sides of said individual when said device is worn by said individual;

b. a posterior traction belt extending across said upper most ends of said bracing rods and positionable across a region of said individual's body, said region being selected from the group consisting of the individual's anterior shoulders and the individual's chest;

c. at least two anterior traction slings extending across an intermediate portion of said first and second bracing rods and operatively positionable against a region of said individual's spine, said region being selected from the group consisting of the

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individual's thoracic vertebrae, the individual's lumbar vertebrae and said individual's sacral vertebrae; and

d. a pelvic arch affixed to and extending from the lower most ends of said first and second bracing rods and operative to be positioned against a portion of the individual's pelvic region, said region being selected from the group consisting of the anterior superior portion of said individual's ilium and the anterior section of said individual's hip joints[.]; and

e. a support bar extending from the top most ends of said first and second bracing rods, said support bar having a generally arcuate shape and operative to extend behind the shoulders and neck of said individual while such individual wears said device.

2. (Original)

3. (Original)

4. (Original)

5. (Original)

6. (Canceled)

7. (Currently Amended) The device of ~~Claim 6~~ Claim 1 wherein said support bar is provided with foam padding.

8. (Original)

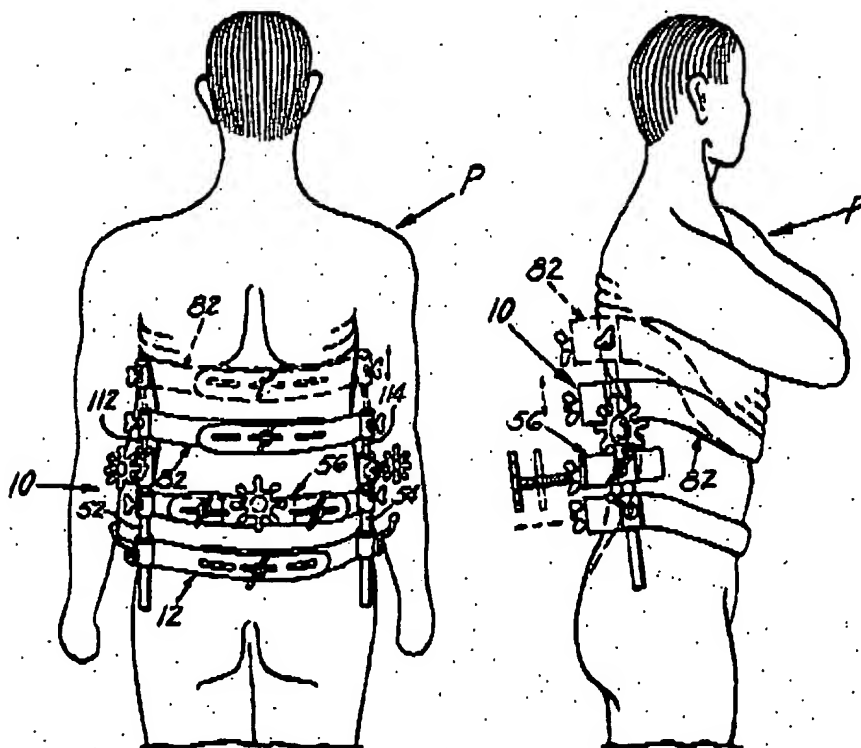
9. (Original)

10. (Original)

The following is an examiner's statement of reasons for allowance:

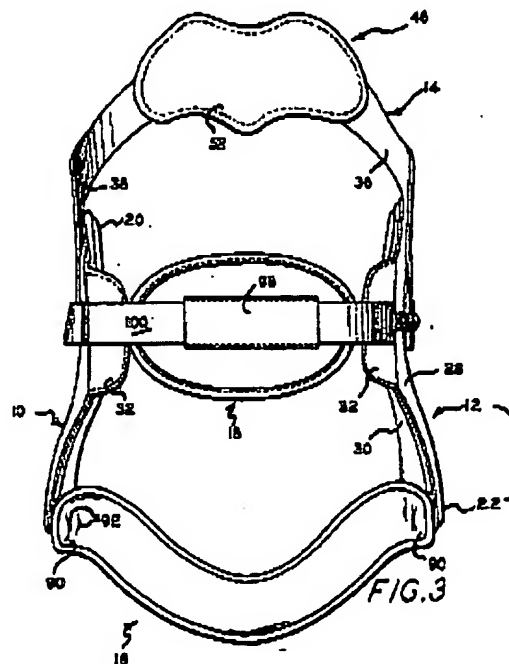
Stabholz (US Pat. No. 2,835,247), shown in the figures below, discloses a lumbar traction apparatus comprising first and second elongate bracing rods (52, 54) that are disposed generally parallel to one another and positioned on opposite sides of an individual; a posterior traction belt (82) that extends across the uppermost ends of the bracing rods, and that can be positioned across the individual's chest (note Figure 2); and a belt assembly (12) and a pad assembly, which comprehend Applicant's 'at least two anterior traction slings', that can be positioned against an individual's thoracic vertebrae or lumbar vertebrae.

Stabholz fails to disclose or make obvious a pelvic arch affixed to and extending from the lowermost ends of the bracing rods, or a support bar that extends from the top most ends of the first and second bracing members and that extends behind the user's neck and shoulders.



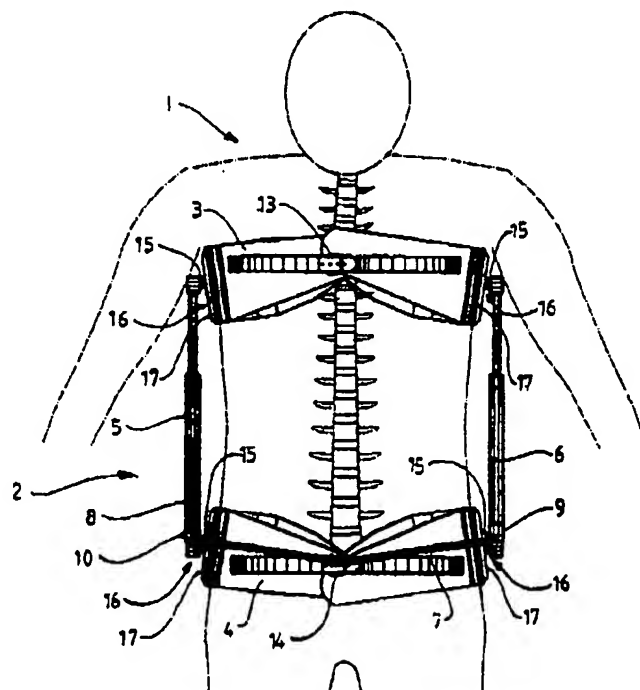
Connelly (US Pat. No. 3,220,407), shown in the figure below, discloses a back brace comprising first and second rigid, parallel bracing members (10, 12) positioned on opposed sides of an individual; a sternal pad support bar (14), or 'posterior traction belt', that is positionable across an individual's chest; a lumbar engaging portion (18) comprising a belt (100), or an 'anterior traction sling', extending across an intermediate portion of the first and second bracing members and that is positionable against an individual's lumbar vertebrae as it is part of the lumbar engaging portion; and a pelvic arch (16) affixed to and extending from the lower most ends of the first and second bracing members and is operative to be positioned against a portion of the user's pelvic region (column 3, lines 68-75).

Connelly fails to disclose or make obvious at least two anterior traction slings or a support bar that extends from the top most ends of the first and second bracing members and that extends behind the user's neck and shoulders.



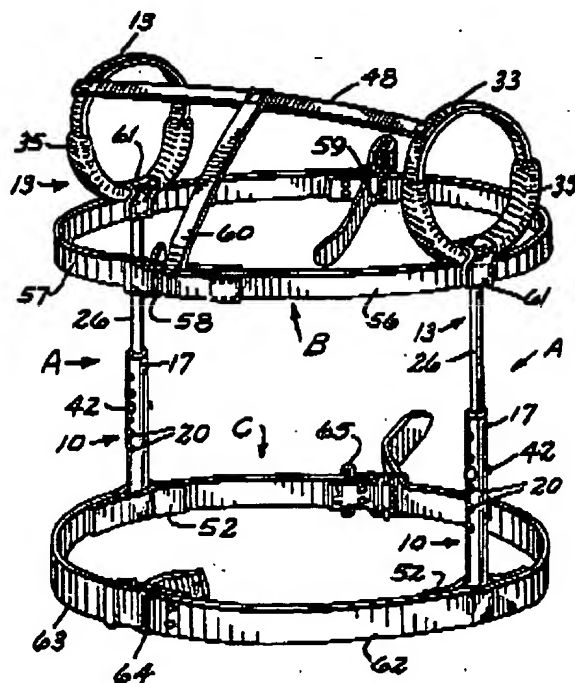
Ousdal (US Pat. No. 6,210,354), shown in the figure below, discloses a device comprising pneumatic cylinders (5, 6) that are parallel to one another and positioned on opposite sides of an individual, which, absent further limitation, comprehend Applicant's first and second bracing rods; a breast belt (3), or posterior traction belt, that extends across the uppermost ends of the cylinders and positionable across an individual's chest; a hip belt (4) that is affixed to and extends from the lowermost ends of the cylinders and is positioned against the anterior section of an individual's hip joints; and a neck stretcher (19) that comprises a neck support that extends behind the user's neck and a yoke shoulder supports (24, 25) and a back piece (27) all of which extend behind the user's shoulders.

Ousdal fails to disclose at least two anterior traction slings that are positionable against a region of the user's spine, and fails to specifically disclose a pelvic arch as well as a support bar that extends from the top most ends of the first and second bracing members and behind the user's neck and shoulders.

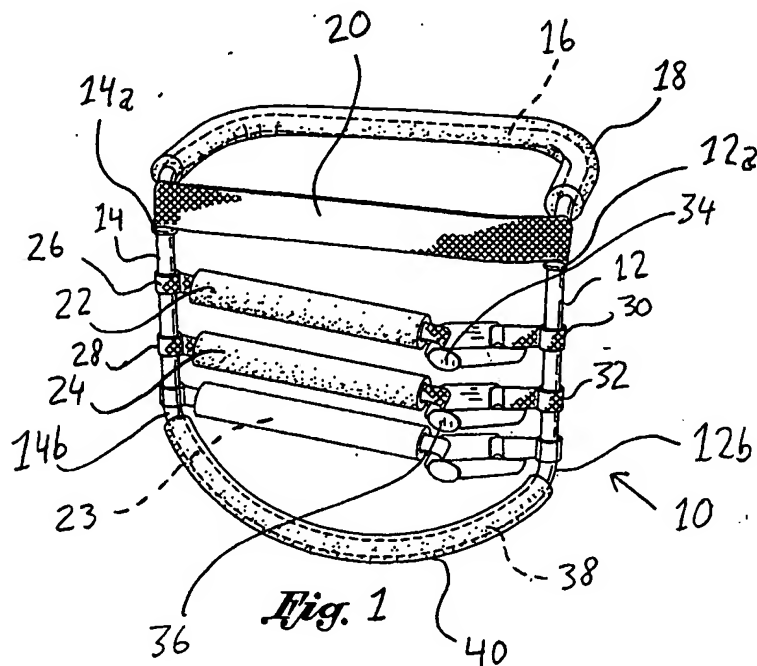


Martin (US Pat. No. 3,029,810), shown in the figure below, discloses a back brace comprising first and second elongate bracing rods (17, 26 and note Figure 5), a breast strap (44), or posterior traction belt, extending across the uppermost ends of the bracing rods and positionable across an individual's chest; a waist encircling strap (50) having hip contacting segments (12) and, due to the telescoping tubular bracing rods, can be positioned at various locations along the user's midsection including the individual's pelvic region; and straps (48, 60) that extend behind the user's neck and shoulders.

Martin fails to disclose at least two traction slings that are positionable against a region of the user's spine, and fails to specifically disclose a pelvic arch and a support bar that extends behind an individual's neck and shoulders.



The prior art of record fails to disclose a device for supporting and bracing the thoraco-lumbar region of an individual's spine, shown in the figure below, comprising first and second elongate, parallel bracing rods positioned on opposed sides of the individual; a posterior traction belt positionable across a region of the individual's body; at least two anterior traction slings that are positionable against a region of the spine; a pelvic arch; and a support bar that is generally arcuate and extends behind the individual's neck and shoulders.



Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."




Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allana Lewin whose telephone number is 571-272-5560. The examiner can normally be reached on Monday-Friday, 9AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AL 

September 14<sup>th</sup>, 2006

  
STEPHEN R. CROW  
PRIMARY EXAMINER  
ART UNIT 332